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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,124	10/09/2001	Tim Forrester	UTL 00036	3635

7590 08/12/2005

Attn: Patent Department
Kyocera Wireless Corp.
PO Box 928289
San Diego, CA 92192-8289

EXAMINER

BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/975,124	Applicant(s) FORRESTER, TIM	
	Examiner Sam Bhattacharya	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 8, 11-16, 18-24, 26, 29-32, 38-41, 43, 44, 49 and 65 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-16, 18-24, 26, 29-32, 38-41, 43, 44 and 49 is/are allowed.
- 6) ☒ Claim(s) 7, 8, 11 and 65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7 and 65 are rejected under 35 U.S.C. 102(b) as being anticipated by Camp, Jr. et al. (U.S. Patent 6,097,974).

As to claim 7, Figure 8 in Camp, Jr. shows a receiver portion for selectively converting a GPS signal and a second rf signal to a lower frequency signal in a wireless handset (“wireless mobile terminals according to the present invention include a GPS Radio Frequency (RF) receiver and a wide bandwidth radiotelephone RF receiver having bandwidth that is at least half as wide as the GPS signal chip frequency. The wireless mobile terminals also include a shared Intermediate Frequency (IF) section that is responsive to both the GPS RF receiver and to the wide bandwidth radiotelephone RF receiver” (Col. 3, lines 21-28)), comprising:

a GPS control signal generator (652) for generating a GPS control signal (“that information may be stored in the memory 654, and then modes may be switched from GPS reception to CDMA cellular telephone usage” (Col. 6, lines 22-24));

a band select switch (844) connected to the GPS control signal generator for selecting the GPS signal or the second rf signal, responsive to the GPS control signal (“switch 844 is used to switch the two RF signals into the mixer 830” (Col. 6, lines 46-47));

a mixer (830) connected to the band select switch for receiving the selected signal and to a local oscillator (832) for converting the selected signal to the lower frequency signal ("in the embodiment of FIG. 7, the circuit that controls the oscillator 732 may be adjusted to supply the appropriate frequency signal and permit reception of either GPS or wide band radiotelephone signals" (Col. 6, lines 39-43));

a GPS antenna assembly (612) for receiving the GPS signal (see Col. 5, lines 51-57); and
a second rf signal antenna assembly (611) for receiving the second rf signal (see Col. 5, lines 51-57).

As to claim 65, Figure 8 in Camp, Jr. further shows the receiver portion, wherein: a low side injection of a local oscillator is used for mixing the GPS signal down to the IF signal, and converting a PCS signal to a lower frequency signal ("in the embodiment of FIG. 7, the circuit that controls the oscillator 732 may be adjusted to supply the appropriate frequency signal and permit reception of either GPS or wide band radiotelephone signals" (Col. 6, lines 39-43)).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,097,974 to Camp, Jr. et al. in view of Kasperkovitz et al. (U.S. Patent 6,665,523 B1).

As to claim 8, the Camp, Jr. reference discloses the receiver portion of claims 7, 13, and 38. However, it does not expressly disclose an oscillating frequency of the local oscillator is substantially equal to 1391 MHz.

Kasperkovitz et al. disclose a local oscillation signal substantially equal to 1391 MHz. See col. 6, lines 41-43, disclosing a local oscillation range of between 950 and 2150 MHz.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the receiver portion of Camp, Jr. wherein an oscillating frequency of the local oscillator is substantially equal to 1391 MHz, as taught by Kasperkovitz et al., in order to down-convert the received GPS signal to widely used common IF frequency.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,097,974 to Camp, Jr. et al. in view of Ito et al. (U.S. Patent 5,852,784).

As to claim 11, the Camp, Jr. reference discloses the receiver portion of claims 4, 15, and 34. However, it does not expressly disclose the IF signal is substantially equal to 183.6 MHz. The Ito et al. reference teaches the IF signal is substantially equal to 183.6 MHz. See col. 6, line 66 – col. 7, line 5.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the receiver portion of Camp, Jr. wherein the IF signal is substantially equal to 183.6 MHz, as taught by Olsen, in order to down-convert the received signals to a common IF frequency.

Allowable Subject Matter

1. Claims 12-16, 18-24, 26, 29-32, 38-41, 43, 44 and 49 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter: the claims are allowed for the reasons stated in the previous Office Action.

Response to Arguments

3. Applicant's arguments filed 4/4/05 have been fully considered but they are not persuasive.

Applicant argues that the interpretation of the high and low side injections of the local oscillator as referring to high and low local oscillator frequency bands, respectively, is incorrect. Applicant asserts that the high and low side injections refer to whether the local oscillator is higher or lower than the carrier signal of interest. Applicant points to the specification at page 14, line 21 to page 15, line 5 as teaching the definition asserted by Applicant.

Examiner respectfully disagrees. The limitation of a low side injection of the local oscillator, as set forth in independent claims 7 and 65, is broad enough that a showing of a low local oscillator frequency band, as in Camp, Jr. et al., covers the limitation. The claims do not recite that the high and low side injection refer to whether the local oscillator is higher or lower than the carrier signal of interest. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER